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ABSTRACT

Richard Whately's imprecise description of the concept "presumption" and the brevity of his treatment of it have led to confusion in applying the concept within the realm of argumentation. In proposing a theory to eliminate such confusion, it is argued that any dispute concerning the concept of presumption and its attendant burden of proof ("onus probandi") can be eradicated by defining the character of presumption--its place, nature, and function in argument. A review of how presumption is treated in texts on argumentation indicates no precise, universally accepted method for locating presumption in argumentation. However, since most argument typologies are advanced for the purpose of issue clarification, it seems reasonable to argue that different sorts of issues inhere in different forms of argumentative propositions, creating presumptive grounds that are specific to proposition types. Thus, a system of three specific presumption loci can be devised, accepting distinctions among fact, value, and policy propositions. The system produces four general claims: (1) presumptive ground varies with the type of issue addressed, whether propositions are distinguished in terms of fact, value, and policy, or by some other set of distinctions; (2) presumption is a quality that attaches to a proposition; (3) the quality of a proposition as presumptive is based upon potential existential proof; and (4) there is a logic specific to presumption in argumentative context. (RL)

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Whately on Presumption:
A Pragmatic Interpretation

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The concept of "presumption" in argumentation was introduced by Archbishop Richard Whately in 1828, in the Elements of Rhetoric. He defined the term in this way:

According to the most correct use of the term, a "Presumption" in favour of any supposition, means, not (as has been sometimes erroneously imagined) a preponderance of probability in its favour, but, such a pre-occupation of the ground, as implies that it must stand good till some sufficient reason is adduced against it; in short, that the Burden of proof lies on the side of him who would dispute it.¹

"Preoccupation of ground" assumed several meanings in Whately's brief treatment of presumption, including "deference" or authority, "existing institutions," and anything not "paradoxical" or "contrary to the prevailing opinion."² He noted, in addition, that it is possible for "counterpresumptions" to arise, thereby overthrowing presumption and shifting the burden of proof.³

Whately's imprecise description of the concept, and the brevity of his treatment, lend to confusion in any attempt to apply "presumption" in argument theory or in practical usage. However, Whately argued that the determination of the place of presumption and of the onus probandi or burden of proof in an argumentative situation was important because a disputant could thereby assess the strength of a case.⁴ In Whately's terms:

A moderate portion of common-sense will enable any one to perceive, and to show, on which side the Presumption lies, when once his attention is called to the question; though, for want of attention, it is often overlooked: and on the determination of this question the whole character of a discussion will often very much depend.⁵

Though Whately apparently was convinced that presumption is easy to locate, his own description was ambiguous, and subsequent theorists of argument have not been able to agree upon the nature, function, or place of presumption in verbal dispute.

Some theorists argue that presumption lies with the "normal" or "likely;" others, that it belongs to one who defends the status quo.⁶ Some accept Whately's concept of deference as presumption, placing it in the minds of the audience.⁷ And still others posit that the burden of proof is placed upon one who asserts while presumption lies with the respondent.⁸

It has been argued that presumption is a position of assumption, to be accepted until challenged or unless the situation is shown to be an exception.⁹ A dichotomy between "natural" and "artificial" presumption has been devised. The "natural" type is characterized by beliefs about the world, and "artificial" presumption is assigned uncategorically and, together with the burden of proof, remains constant.¹⁰ However, Whately and others have asserted that counterpresumptions can be raised, shifting the burden of proof from its original locus.¹¹

While this certainly is not an exhaustive catalogue of positions concerning presumption, it, at least, is indicative of the broad divergence of views. Not only is there a lack of agreement concerning presumption among these theorists, but there also is not a consistent reading of Whately to be found in the review. These aims, of consistency among theories and consistency with Whately, seem fairly reasonable though they are not the espoused goals of these theorists. Any con-

ception of presumption ultimately implies an interpretation of Whately, simply because he introduced the concept. Indeed, it would seem that a treatment of presumption would reflect something of his conception and that it would bear some similarity to other interpretations.¹²

Some of the theories described above will be explicated in greater detail in order to establish a basis of need for another theory which will be presented here. There will be no attempt to redefine presumption or burden of proof. Rather, I will argue that a great deal of confusion and dispute concerning the concept can be eradicated by defining the character of presumption, i. e., its place, nature, and function in argument. Rather than representing an abandonment of portions of Whately's concept of presumption, which seems to be the case in most treatments, this interpretation will embrace his theory in its entirety.¹³

II

Most argument texts which have academic debate as their primary emphasis take the same general position on presumption. Ziegemeueller and Dause, for example, argue that:

Presumption is the logical advantage inherent in defending existing beliefs or policies. This concept recognizes that in every argumentative situation the person who is defending things as they are will win if nothing is done. Presumption makes no judgment concerning the wisdom of present policies or beliefs; it simply recognizes that what exists will continue to exist if nothing is done. . . . The concept of presumption, then, simply states that in case of a tie in any argumentative situation, someone wins, and that someone is always the individual defending present beliefs or policies. Second, the concept of presumption is justified in argumentation because change is always costly. Any change, even ultimately desirable change, involves disruptive effects.¹⁴
(emphasis in text)

Thus, the beliefs and policies embraced by the status quo are presumptive; one is to assume that those currently-held beliefs and policies will continue in existence until challenged. Freeley's description is similar:

The concept of "presumption" assumes that the policy in effect at the present time will continue in effect; the value accepted at the present time will continue to be accepted; and what is acknowledged to be fact will continue to be accepted as fact. Presumption favors the status quo. The existing state of affairs will continue until good and sufficient reason can be given for changing it.¹⁵

There clearly is no pragmatic problem with the assertion that presumption lies with existing beliefs and policies unless there is a conflict between a belief and a policy. For example, a majority of citizens might believe that a tax reform would be in the best interest of the state and should be undertaken. Because it is a currently- and widely-held belief, it is presumptive. The paradox, of course, is that the belief cannot have presumption if the status quo does, because the existing belief and the existing policy are at odds.

Ehninger and Brockriede's "artificial" presumption dismantles the paradox by assigning presumption to one side, but the result is less than satisfying.¹⁶ If presumption is assigned to present policy, for example, the implicit assumption is that policy is more important than opinion. By assigning presumption in this case, the assertion that "presumption is always descriptive, never evaluative," is negated.¹⁷ If assigned presumption is not evaluative, it is at least arbitrary. An impartial method of assigning presumption certainly may be used, but the concept would be rendered meaningless in

terms of substantive issues.

These characterizations of presumption are potentially inoperative in practice, but they are also arbitrarily selective in the material derived from Whately's theory. As indicated, there is no possibility in the academic debate models for burden of proof shifts. Nor is there any attempt to account for Whately's emphasis upon deference. It is possible that these, as well as other presumption constructs, may be excessively delimited by the nature of their intended applications.

Perelman departs from the debate theorists in referring to presumption as one sort of "object of agreement," which serves as an argumentative premise.¹⁸ He describes presumption in this way:

In addition to admitting facts and truths, all audiences admit presumptions. But, although presumptions also enjoy universal agreement, adherence to them falls short of being maximum, and hearers expect their adherence to be reinforced at a given moment by other elements. In fact, those who admit a presumption ordinarily reckon on this reinforcement. . . . In each particular instance, presumptions are connected with what is normal and likely. A more general presumption than all those that we have mentioned is the existence for each category of facts, and particularly for each category of behavior, of an aspect regarded as normal and capable of serving as a basis for reasoning. The existence of this connection between presumptions and what is normal is itself a general presumption accepted by all audiences. Until there is proof to the contrary, it is presumed that the normal will occur, or has occurred, or rather that the normal¹⁹ can safely be taken as a foundation in reasoning.

Several important implications arise from this exegesis.

First, Perelman does not specify any more specific rule than that presumptions lie with the "normal." While that might be construed to mean status quo or existing institutions, it is not necessarily so. Perelman's presumptions seem to be more

like shared enthymematic premises than the preoccupation of an argumentative ground.²⁰ The assertion that they may need to be reinforced with other arguments, however, does not accord with that conclusion. Their function, in Perelman's scheme, is unclear. And, of course, there is an emphasis on probability in Perelman's account, something that Whately explicitly separates from presumption. The only explanation which lends consistency to Perelman's descriptive elements seems to be that a presumption lies in the minds of the audience. Thus, a presumption would consist of a premise, based upon the audience's conception of the normal, which could be supported by other argumentative means. But, that explanation places Perelman squarely at odds with Whately.

Second, since a presumption is an "object of agreement," in Perelman's scheme, it is unlikely that its counterpart burden of proof could ever shift. Even if the presumptive premise is based upon audience belief, the burden of proof would always attach to one who challenged the premise.

In practice, Perelman's conception of presumption is little different than the preceding ones. It is different in emphasis, but the same problems attach to it. There still can be opposing presumptions introduced, and because of the burden of proof, an artificial presumption or a presumption at a higher level of abstraction must be imposed. In addition, while audience perception is considered, it does not account for the deference consideration in Whately's theory.

There also is little pragmatic difference in the views espoused by Toulmin and Singer. Toulmin argues that:

There is one last type of situation which is worth

mentioning at the outset: sometimes we are able to show that one particular answer would be the answer, supposing only we were confident that certain unusual or exceptional conditions did not apply in this particular case. In the absence of a definite assurance of this, we must qualify our conclusion. . . . Here too we have a characteristic way of marking the special force of our conclusions: we speak of a man's legitimacy as a "presumption," we say that the regular chairman was "presumably" in the chair at that meeting, or infer from the information that a body was released from a height that it can be "presumed" to have fallen to the ground.²¹

Thus, presumption is represented by a general rule or warrant which can be accepted as true, barring unusual circumstances. Singer's description is not entirely different:

. . . any existing custom has an initial presumption in its favor. But this is no more than a presumption, and in some cases it may not be very strong. It means no more than that one ought to conform, unless there is good reason to the contrary, and the strength of the reason required will vary with the importance of the custom and the nature of the situation.²²

While Singer, at least, admits that presumption may vary in strength, which is consistent with Whately, the same general objections may be applied to his and Toulmin's concepts of presumption as have attached to the others.

Cronkhite also criticizes these sorts of schema and presents a new concept for locating presumption. He writes:

. . . the onus probandi accrues to the party who initiates a dispute, and that party, in initiating the dispute, automatically awards the presumption to the position which he assails. The defining characteristic of the position awarded the presumption, then is that it must be that position initially attacked. "Occupation of ground" or existence as the status quo is only a frequently accompanying characteristic of the position accorded the presumption. . . . The terms "deference," "consensus," and "ethos" are perfectly viable terms which are more specific, more reliably assigned, and free from concepts--such as "burden of proof"--which lead to logical inconsistencies. Concepts covered by these terms, then, will be excluded from consideration in the search for the defining characteristics of presumption.²³

Wellman takes a similar position by arguing that one is justified in adhering to his view until it is challenged.²⁴

Anyone who enters into the contest that is justifying takes upon himself a burden of proof determined by the claim he makes. The only way to escape this burden is to make²⁵ no claim and to withdraw from the entire process.

This construction of presumption is quite different from the others considered here in that the distinguishing feature of presumptive ground is procedural rather than substantive. In other words, there is no abstraction, such as the normal, or the status quo which designates the place of presumption in existential terms. Instead, it is determined by the initiation of the argument itself. It avoids the problematic issue of competing presumptions because there is not an existing institution or currently-held belief which is established as presumptive. Although it avoids that pitfall, which is characteristic of the other theories, Cronkhite and Wellman's position has other problems. It, like the others, cannot account for burden of proof shifts (one cannot change the existential fact of who initiated the argument after it has begun), and Cronkhite explicitly refuses to consider deference as part of his model.

More importantly, the simplicity of the method for determining the locus of presumption is illusory. Consider the example of the governmental leader who argues that the present form of government should be maintained.²⁶ Cronkhite argues that the burden of proof inheres in this position for four reasons:

- (1) Presumption is the right of any opponent of a stated proposition to refrain from argument in the absence of a prima facie case supporting that propo-

sition. (2) The burden of proof is the inherent alternative of one who states a proposition (or argumentative thesis) either to offer a prima facie case in its support or to see it remain unsupported. (3) The assumption of the burden of proof is thus inherent in the statement of the proposition. (4) The presumption is unavoidably forfeited by one who states a proposition to the occupant of any other position.²⁷

At the first level, Cronkhite posits that the government leader may be responding to a revolution nearby, an external threat, etc. Those possible contingencies may present the leader with a "challenge" in Wellman's sense. Or they may represent a prima facie demand for change to the leader. In either case, according to Cronkhite's own analysis, the leader's position should be presumptive.²⁸

Cronkhite's second, third, and fourth justifications ignore one crucial element. The leader may argue that the present government should be maintained, but he may not have to present a prima facie case to support the assertion to the satisfaction of his audience. The position itself may be substantively presumptive, rendering extended argument unnecessary, perhaps even absurd. The burden of proof may actually lie in the negatively-stated, though implicit, proposition, that the present form of government should not be maintained.²⁹

Thus far, there seems to be no precise or universally-accepted method for locating presumption in argumentation. Some of the positions are too specific; others are too nebulous to be practicable. None is free of substantial theoretical and/or pragmatic problems, and none of the conceptions considered here can be justified to a greater degree than any other. None of the theories encompasses the full range of

Whately's description, and yet his analysis is not specified to the necessary degree for pragmatic use either. It is difficult to decide which position one might choose for the most practical use.

One factor, thus far overlooked, may help to account for the confusion in locating presumption, at least in some cases. Several of the theorists are dealing with specific argument types. For example, those who are concerned largely with academic debate concentrate on policy propositions. Singer and Wellman, by contrast, emphasize ethical questions. Others of the theorists do not seem to deal with any specific type of argument. The important consideration, though, is that while the concepts may be derived from analysis of a specific type of argument, the positions taken upon presumption are not advanced as specific to that category of argumentative propositions. That fact may account for some of the divergence and confusion.

Most argument typologies are advanced for the purpose of issue clarification.³⁰ It is not unreasonable to argue that if different sorts of issues inhere in different forms of argumentative propositions, there also may be presumptive ground which is specific to the proposition type.

III

Argumentative propositions traditionally have been categorized in a tripartite division of fact, value and policy. Wagner explained the classificatory scheme:

Propositions of fact are those which are concerned only with the truth or falsity of assertions. They involve the existence of things, the occurrence or classification or causation of acts or events. . . .

Propositions of value are those which assess the worth of the subjects in dispute. They assert that something is or is not beneficial; they call for approval or disapproval of a belief or an idea. They differ from questions of fact in that, whereas in the factual question the tests of facts are generally agreed upon, and may be secured by a consultation of qualified experts, as a rule, in those of value no such agreement exists, and it is necessary to prove them by other means than the use of testimony. In other words, propositions of value attempt to declare that to be true which can never be accepted as a fact, but which may be accepted as probable, if made to conform to certain approved and applicable standards of judgment, of taste, or of weight. . . . Propositions of policy are those which propose a change of policy, which call for action. They involve the proof of questions of fact, they require the assessing of value, but extend into the realm of practicality and expediency, and unlike the others, propose that something shall be done.³¹

As Wagner indicates, when there is argument concentrating upon a factual issue, the evidence from qualified experts or witnesses is used.³² The logical object, then, is to find the witness who is in the best position to know the truth or falsity or a factual proposition. When a proposition of this sort is submitted to argument, presumptive ground is needed. Whately's description of deference may provide a basis for presumption in this sort of dispute. He explained it this way:

The person, Body, or book, in favour of whose decisions there is a certain Presumption, is said to have, so far, "Authority;" in the strict sense of the word. And a recognition of this kind of Authority,--an habitual Presumption in favour of such a one's decisions or opinions--is usually called "Deference."³³

Therefore, the individual engaged in argument who is the more knowledgeable or the disputant who cites the more authoritative figure for evidence on the question of fact would occupy presumptive ground.³⁴ It obviously is true that there are some factual questions which would not require the citation

of any evidence at all, e. g., "the earth is spherical." That statement, however, likely would not be subjected to serious argumentation. If it were, authoritative figures could be summoned to support the proposition.

Like propositions of fact, value issues have their own presumptive ground, described by Whately as the nonparadoxical:

There is a "Presumption" against any thing paradoxical, i. e. contrary to the prevailing opinion: it may be true; but the Burden of proof lies with him who maintains it; since men are not to be expected to abandon³⁵ the prevailing belief till some reason is shown.

This description may seem to verify Perelman's notion that a presumption is a premise accepted by the audience.³⁶ However, it more accurately accords with Whately's treatment to argue that presumption is a quality which attaches to the proposition rather than that presumption is a premise.

Whately continued by articulating the nature of the onus probandi in situations of this sort. This portion of the typology clearly resembles the exposition of presumption, noted earlier, which defines presumption as the defense of present policies or beliefs.³⁶ However, those who characterize presumption in that way ignore the problems of weighing an existing policy against an existing belief. Most agree that even a counterpresumption will not shift the burden of proof, but their conception definitionally demands it.

The policy dispute calls for the traditional status quo locus of presumption, as Whately argued:

There is a Presumption in favour of every existing institution. Many of these (we will suppose, the majority) may be susceptible of alteration for the better; but since the "Burden of proof" lies with him who proposes an alteration; simply, on the ground that since a change is not a good in itself, he who

demands a change should show cause for it. No one is called on (though he may find it advisable) to defend an existing institution, till some argument is adduced against it; and that argument ought in fairness to prove, not merely an actual inconvenience, but the possibility of change for the better.³⁷

Though many of the conventional theorists seem to agree with this assessment, they assume that the presumption of the status quo is rendered to all of the arguments issued by the defender thereof. That assumption is ill-conceived. For example, a retention of a specific policy may have presumption, but the defender of that policy, in response to an attack upon the policy, may argue that the policy be retained because of a certain "fact." However, that fact may be false (as indicated by verification procedures) or it may be denied (by an authority). The factual proposition used in support of the policy proposition, then, should not be presumptive.

The problem inherent in the traditional exposition of status quo presumption is that it obfuscates the complexity of the policy proposition:

. . . a critical decision to take an action or change a policy is determined by a large number of intermediate claims involving questions of definition, fact, and value.³⁸

Thus, if all of the arguments produced by the individual who advocates the maintenance of the present policy are considered presumptive, presumption will lie with issues of fact and value, the intermediate claims, which might not otherwise have it. The substantive process of the dispute may be distorted if this is allowed to occur.

Whately's account provides some evidence that this typology may be applied to presumption. He argued, for example, that "questions of fact and of opinion ought to be decided on

very different grounds."³⁹ His example of burden of proof shifts also supports the classification scheme:

It is to be observed, that a Presumption may be rebutted by an opposite Presumption, so as to shift the Burden of proof to the other side. E. G. Suppose you had advised the removal of some existing restriction: you might be, in the first instance, called on to take the Burden of proof, and allege your reasons for a change, on the ground that there is a Presumption against every change. But you might fairly reply, "True, but there is another Presumption which rebuts the former; every Restriction is in itself an evil; and therefore there is a Presumption in favour of its removal, unless it can be shown necessary for prevention of some greater evil: I am not bound to allege any specific inconvenience; if the restriction is unnecessary, that is reason enough for its abolition: its defenders therefore are fairly called on to prove its necessity."⁴⁰

The argument in the example, originally a policy issue, is temporarily shifted to another level of dispute, to a value proposition. If, in pursuing this argument, it is concluded that the restriction is unnecessary, the grounding of the original policy proposition will change, and the burden of proof will shift to the individual who initially argued the presumptive status quo position. In terms of substance, the dispute is lent far more logical value by deciding the intermediate claim on its own ground.

Implicit in this determination of the multiple loci of presumption, are claims concerning the general nature and function of presumption. Presumption is considered here as a quality with logical and existential grounding which attaches to a substantive proposition in an argumentative context, and which provides a basis for judgment.

The logic of presumption provides a basis for judgment and is initiated in the character of a proposition as disputed. Whately defined "proposition" as a "judgment expressed in words."⁴¹ But, presumption is not a quality inherent in all propositions;

Whately did not give mention to the concept in his treatment of logic. By implication, it appears that Whately viewed presumption as unique to rhetorical argument.⁴² The proposition to which presumption attaches, in practice, probably would not be verbalized unless a contrary position was advanced. Therefore, the logic of presumption gains its character from a disputative context. For example in a dispute concerning a factual proposition, the logical basis for judgment, if articulated, would look something like this: This factual statement is authoritative. Unless a good reason is advanced to reject the factual statement, the statement should continue to be accepted as authoritative. In this example, presumption attaches to the factual statement mentioned in the first sentence, and it is the statement's "authoritativeness" which grants that quality. The first clause of the second sentence indicates the character of the logic as unique to disputative contexts, and the second clause represents the judgment adduced.

Existential grounding warrants the presumptive or judgmental quality of the proposition. The quality of presumption is dependent upon the substantive content of the proposition, which is, in turn, dependent upon existential fact. By presenting a factual statement as authoritative, a value or opinion as generally accepted, or an institution as extant, there is an implied willingness to warrant that quality of authoritativeness, general acceptance, or existence by recourse to existential fact.

IV

This interpretation of Whately's construct, is, of course,

a compromise of several different views, and it is admittedly simplistic. Those features, in fact, may be advantages. By explicitly setting out different grounds for presumption for varying types of propositions, the locus of presumption is easier to determine, and it provides a logical, common-sense approach for grounding judgment. It solves the problems which inhere in arbitrarily choosing which portions of Whately's theory to adopt and which to ignore, for it accounts for his entire treatment of presumption. And importantly, the typology is descriptive of everyday argument which automatically, if tacitly, allows for shifts of burden of proof.

While the system of three specific presumption loci presumes acceptance of distinctions among fact, value, and policy propositions, these general claims, concerning the nature, function, and place of presumption hold regardless of that acceptance.

1. that presumptive ground varies with the type of issue addressed, whether propositions are distinguished in terms of fact, value, and policy, or by some other set of distinctions;
2. that presumption is a quality which attaches to a proposition;
3. that the quality of a proposition as presumptive is based upon potential existential proof; and
4. that there is a logic specific to presumption in argumentative context.

Notes

¹Richard Whately, Elements of Rhetoric, ed. by Douglas Ehninger, (Carbondale: Southern Illinois Univ. Press, 1963), p. 112.

²Ibid., pp. 114-122.

³Ibid., pp. 124-128.

⁴Ibid., p. 112.

⁵Ibid., p. 113.

⁶Perelman argues for the normal and likely; academic debate theorists as well as others opt for defense of the status quo or existing beliefs, policies, or customs. See Chaim Perelman and L. Olbrechts-Tyteca, The New Rhetoric: A Treatise on Argumentation, trans. by John Wilkinson and Purcell Weaver, (Notre Dame: Univ. of Notre Dame Press, 1969), p. 71; George Ziegemeueller and Charles A. Dause, Argumentation: Inquiry and Advocacy (Englewood Cliffs, N. J.: Prentice-Hall, 1975), pp. 19-20; Roy V. Wood, Strategic Debate, 2d. ed., (Skokie: Natl. Textbook Co., 1974), pp. 106-107; Austin J. Freeley, Argumentation and Debate: Rational Decision Making, 4th ed., (Belmont, Calif.: Wadsworth, 1976), p. 34; Marcus George Singer, Generalization in Ethics (N. Y.: Atheneum, 1971), p. 131.

⁷See Whately, pp. 118-122. Among those who make the equation are: Alan Nichols, Discussion and Debate (N. Y.: Harcourt, Brace, and Co., 1950), p. 120; A. Craig Baird, Argumentation, Discussion and Debate (N. Y.: McGraw-Hill, 1941), pp. 25-27.

⁸See Gary Cronkhite, "The Locus of Presumption," CSSJ, 17 (Nov., 1966), 275. Also see Carl Wellman, Challenge and Response: Justification in Ethics (Carbondale: Southern Ill. Univ. Press, 1971), p. 142.

⁹See Wellman, p. 142; Singer, p. 331; Stephen Toulmin, The Uses of Argument (Cambridge: Cambridge Univ. Press, 1964), pp. 21-22, 102.

¹⁰Douglas Ehninger and Wayne Brockriede, Decision By Debate (N. Y.: Dodd, Mead, 1963), pp. 83-84.

¹¹See Whately, pp. 124-125. Also see Cole Campbell, Competitive Debate (N. p.: 1974).

¹²Although the argument theorists mentioned here are treating argumentation in various contexts and toward various ends, the concept should retain some sameness among doctrines.

¹³It seems inconsistent that most writers use Whately as their primary source on presumption yet arbitrarily dismiss major portions of his concept. At one extreme, Baird and Nichols adopt only his section on deference (see note #7),

and at the other, Cronkhite explicitly and entirely abandons deference (see Cronkhite, p. 274).

¹⁴Ziegemeueller and Dause, p. 19.

¹⁵Freeley, p. 34.

¹⁶Ehninger and Brockriede, pp. 83-84.

¹⁷Ibid., p. 84.

¹⁸See Perelman, p. 66.

¹⁹Ibid., pp. 70-71.

²⁰It seems apparent that this is not what Whately had in mind. Perelman's description of presumptive argument suggests Aristotle's enthymeme, but Whately treated enthymeme separate from presumption. See Aristotle, Rhetoric, trans. by Rhys Roberts, (N. Y.: Modern Library, 1954), p. 28; Whately, Elements of Logic (Delmar, N. Y.: Scholars' Facsimiles and Reprints, 1975), p. 121.

²¹Toulmin, p. 21.

²²Singer, p. 131.

²³Cronkhite, pp. 273, 271.

²⁴See Wellman, p. 153.

²⁵Ibid., p. 141.

²⁶This is Cronkhite's own example. See p. 274.

²⁷Ibid.

²⁸Cronkhite does not specify that a challenge or a position assertion must be verbal. It may be that the leader perceives a challenge and responds to it. One of the problems, then, seems to be that the role of the disputant may shape his/her perception concerning the initiation of the argument.

²⁹Adherents of the status quo model of presumption certainly would argue that this is true. While their conception of presumption also is flawed, Cronkhite never attacks it at this level or explains why a position can not be presumptive.

³⁰See, for example, Freeley, pp. 52-53. Also see Wood, pp. 10-13; Ehninger and Brockriede, pp. 218-219.

³¹Russell H. Wagner, "Three Forms of Propositions," in Readings in Argumentation, ed. by Jerry M. Anderson and Paul J. Dove, (Boston: Allyn and Bacon, 1968), pp. 127-128.

³²This presumably occurs when methods for verification are not immediately available or viable. See A. J. Ayer, Language.

Truth, and Logic (N. Y.: Dover Publications, 1936), pp. 5-16.

³³Whately, Rhetoric, p. 118.

³⁴When a factual question arises which is submitted to argument rather than to empirical verification (see note # 32), authority seems to be the most common and the most logical form of grounding proof. The value of authoritative proofs is linked very specifically to, and only to, propositions of fact by Ehninger and Brockriede, p. 162. Deference also is linked to questions of fact by Whately, Rhetoric, p. 122.

³⁵Whately, Rhetoric, p. 115.

³⁶Supra., pp. 3-4.

³⁷Whately, Rhetoric, p. 114.

³⁸Ehninger and Brockriede, p. 223. Note that Ehninger and Brockriede include propositions of definition. This category is not considered here as a separate type for two reasons. First, Terris offers a good argument for placing propositions of definition and propositions of fact in the same category. See Walter Terris, "The Classification of the Argumentative Proposition," in Anderson and Dovere, Readings, pp. 133-135. Second, most of the theorists cited in the paper utilize the tripartite system if they classify at all.

³⁹Whately, Rhetoric, p. 122. This passage is lifted from the section on presumption and burden of proof.

⁴⁰Whately, Rhetoric, pp. 124-125.

⁴¹Whately, Logic, p. 75.

⁴²This also lends proof to the position that presumption is not a premise or proposition of any sort.